



VILLAGE OF BISCAYNE PARK

640 NE 114TH STREET

BISCAYNE PARK, FL 33161

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MINUTES

REGULAR COMMISSION MEETING

Ed Burke Recreation Center - 11400 NE 9th Court

Biscayne Park, FL 33161

Tuesday, July 9, 2013

Presentations: 6:30pm

Meeting: 7:00pm

Mayor and Commission

Noah Jacobs
Mayor

Robert "Bob" Anderson
Vice Mayor

Bryan Cooper
Commissioner

Roxanna Ross
Commissioner

Commissioner Watts
Commissioner

Ana M. Garcia
Village Manager

John J. Hearn
Village Attorney

Maria C. Camara
Village Clerk

1 Call to Order

Mayor Noah Jacobs called the meeting to order at 6:30pm.

2 Roll Call

Mayor Noah Jacobs - present

Vice Mayor Bob Anderson - present

Commissioner Bryan Cooper - absent (*Arrived at 7:12pm*)

Commissioner Roxanna Ross - present

Commissioner Barbara Watts - present

Present from staff were:

Village Manager Ana M. Garcia

Village Clerk Maria C. Camara

Village Attorney Eve Boutsis

Assistant to the Manager Candido Sosa-Cruz

Chief Ray Atesiano

Finance Director Irwin Williams

Assistant Public Works Director Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

- 4.a Chief Atesiano introduced the Mayor and Commissioners in attendance and staff to the audience.

Chief Atesiano recognized outstanding service during Click it or Ticket: Officer Mike Marchese, Officer Charlie Dayoub, Officer Mark Tarr and Corporal Nick Wollschlager.

Recognition of Officers of the Month:

> January: Officer Guillermo Ravelo and Corporal Nick Wollschlager

- > February: Officer Mark Tarr
- > March: Lieutenant Larry Churchman
- > April: Officer Charlie Dayoub
- > May: Detective Raul Fernandez - 100% clearance rate on burglary cases is a result of his achievements.
- > June: Officer Mike Marchese

Chief Atesiano also recognizes the efforts of Officer Roy Camara and the revamping of the Reserves.

Chief Atesiano and Lt. Churchman recognized Officer Carlos Meza who recently retired from the Biscayne Park Police Department after 19 years of service.

Manager Garcia congratulated the entire department.

Lt. Churchman swore in new full time and reserve police officers: Officer Hector Pineda, Officer Edward Pickering, Officer Joseph Olmeda, Officer Stephan Singh, Officer Marcos Villanueva.

Mayor Jacobs: Pleasure to see new recruits. Great job the Chief is doing as well as the entire department. Positive image for the Village and all of Miami Dade County.

Vice Mayor Anderson: Entire staff is doing a great job. The stats show it. Great clearance rate. We have the reputation that bad guys will get caught.

Commissioner Ross: Got involved in the Village when police department was not doing so well. In last five years, we are light years away from that. Great progress. Thanks everyone.

Commissioner Watts: Echoes the Mayor and Commissioners. Glad you chose to be officers in Biscayne Park. A reflection of solid reputation and unity in the department. Welcomes all.

4.b Manager Garcia - Recognition of employees:

- > Mailan Nguyen, Administrative Clerk - Exceptional attitude and service to residents.
- > John Jenkins / Cesar Hernandez / Tim Chestnut, Public Works Department: Teamwork award.
- > Candido Sosa Cruz, Asst to the Manager/Public Services Director: Leadership award.

Mayor called a recess at 7:01pm

Meeting resumed at 7:19pm

Commissioner Cooper arrives at 7:12pm

4.d All Aboard Florida presentation provided by Jose Gonzalez

Vice Mayor Anderson: Tracks in our city are next to residents. What type of noise abatement will you provide and what kind of barrier to control people walking across the tracks?

Mr. Gonzalez: Passenger trains are quieter. There won't be noise issues. At intersections there will be the sound of the whistle. Working with cities to create quiet zones and look at the protocol for this. Working to install fencing where there are trespassing issues.

Commissioner Cooper: What is schedule for trains and what are the speeds? Is there a corporate plan for linear greenways and is there an environmental impact statement?

Mr. Gonzalez: The train schedule is from 6:00am to 9:00pm. In this area, the average for freight cars is 35mpg and for passenger trains 55mph. Documents on environmental impact available on our website. Does not feel comfortable utilizing linear greenways. Confirms we have a double track area which will be re-welded.

Commissioner Cooper: Will you provide matching grant funds for a sound wall?

Mr. Gonzalez: Appreciates offer, but this project must remain viable. If we do it here, must do everywhere.

Commissioner Watts: Confirms any landscaping would be funded by Village and that fencing would be a chain link.

Mr. Gonzalez: TriRail could be adding a commuter rail and would add a third line.

Commissioner Ross: A very exciting time in South Florida for transportation.

Mayor Jacobs: Encouraged with proposal. Hopes it is a successful endeavor. When do you anticipate rail service to begin and are you on schedule? How loud are these passenger trains?

Mr. Gonzalez: Anticipate to start beginning of 2016 in January. Yes we are on schedule. Currently do not have information on decibel levels. All Aboard is not putting a train station in this area, but TriRail is considering one in the area.

4.e Pauline Russell, Girl Scouts of America: All about girls and the future. About citizenship and service. Consider bringing a troop to the Village and asks for volunteers. Will provide information and link for our website.

Mayor Jacobs: Hopes to work to get a group organized here to carry on the vision.

5 Additions, Deletions or Withdrawals to Agenda

< None >

6 Public Comment

Dan Samaria: This commission has not respected the boards. Still does not have a replacement for the Rec Advisory Board. When we celebrated the 80th anniversary of first meeting, we congratulated many, but did not recognize the board members that were in attendance. Disappointed as a member of this community that there was no support for Community Safety Day and the poor attendance. Rec Advisory Board should have been invited to help. Looks to combine efforts next year. Hopes the community will attend the Children's Safety Day event. In regards to combining the boards, since the boards are not getting support from the commission, maybe by combining them the commission will start listening. Should go back to the old way for each commissioner to be responsible for each board.

Fred Jonas: Looking at agenda, seems that we are confronting some major decisions about our neighborhood and what we want. This commission has taken a direction of celebrating disarray and debris. We are trying to create an untidy and ill-kempt Village and we are dumbing ourselves down. If this is what the Commission wants, then declare it. As far as who decides, Commission has shown that they disregard the boards and keeps them unmanned or with incompetent or disinterested members. If this is your direction, make it clear. Instead of combining, abolish all of them and let us know you don't care. In recent years, the activity of boards is less and less. They have given up. If they bring up something, you just ignore it.

Barbara Kuhl: Annexation will change the Village forever and there is no turning back. So few voters in that area, so it will come back as an administrative decision by the County. We will be raising taxes on businesses as they make up 80% of the area. It will make more money for us but it's just a land grab. If we need money for services here, then we need to find another way. There has been a lot of discussion on what affects property values. There are two houses on my block with same layout but one has an extra bedroom. the one with the extra bedroom has been well maintained. Just sold for \$500,000. The other house empty for three years and was run down, had no curb appeal. It just sold for \$135,000. A difference of \$365,000. You don't need a study, it's just common sense. If you adopt codes consistent with other cities and enforce them, then maybe our home values would go up and we would benefit from higher revenues. Comm. Watts is proposing to get rid of three existing boards, and have one board with members from those three boards. Also on the agenda is an item about lack of attendance by some board members. Commissioners Ross and Anderson have always been active with and attended board meetings. A while ago Comm. Ross had an idea of landscaping an area and when the Village had no funds, Parks & Parkway came up with a design and

(Barbara Kuhl continued): got donations from the Civic Club and MLK Foundation, and generous donations from residents and businesses. \$5,400 was raised and the Village only had to come up with \$500. The boards can be a great asset to this Village if the Commission will work with them and not against them. Comm. Watts' mural project would have been a great project for the Rec Advisory Board or the Foundation, but neither were contacted. Instead it was outsourced. Comm. Watts tried to pass an ordinance to protect the Australian pines, without ever consulting the Parks & Parkway Board or Ecology Board. Subsequently both boards stated they would not support it, yet she is still pursuing it with the encouragement of Comm. Cooper. Mayor Jacobs' appointment to Parks & Parkway missed 13 meetings in 17 months, and Comm. Cooper's appointment missed 9, but seemed unaware of it at the last meeting. Mayor Jacobs replaced one of our most dedicated board members on Code Compliance and Code Review with someone who missed the first 5 meetings. The fact that Comm. Watts proposed to close these boards without ever coming to them to ask their opinion really says it all. It is very clear that for the past two years the Mayor, Comm. Cooper and Watts are not interested in our boards or the Foundation. With our dwindling funds you should be cultivating these boards and not dismantling them. Go to the meetings and see what they are doing. As a commission, come up with goals and projects. Get our residents involved and get something done.

Chuck Ross: Congratulations to the Police Department and your stats. Our Chief is proactive and we want to be sure to keep him here. As Chair of Crime Watch, let's make sure this agreement goes through to keep Chief Atesiano in Biscayne Park. Disagrees with Barbara Kuhl on annexation. The Village is running out of options. We have no commercial property. Keep an open mind. If feasible, take advantage of the east commercial property. Suggest we keep an open mind and take a hard look.

Ronald Coyle: About annexation, there is a Parkinson law. This park used to run with 23 employees. Thought there was 50 now, but confirms with the Clerk there are currently 30. We have too many expenses. If we go to Biscayne Blvd and have to protect them, what will it do to our service? Biscayne Park is laid back and not a gestapo. That is where it is headed. If you want that, go to Miami Shores or become part of Miami Shores. Maybe its time to stop looking at the ugly sister and go out with the beautiful sister. Having boats and RV's is a Florida lifestyle. It's about being a community. On Australian Pines, the county will not trim. They need to be trimmed and myself and the neighbors are willing to pay to trim them. That was done before and now they are strong and vibrant. These trees support wildlife. Griffing was a smart man and knew about trees, more than the county does. They live forever.

Steve Bernard: Annexation - has the Village spoken to the residents and business owners in that area. I hope you ask that question of the Manager. If they are going to fight it, we are wasting our money. I think it is a bad idea. Hopes the Commission has ability to stand up and take a straw poll among themselves. Take a vote and stop wasting money. On the Rec Advisory Board to raise funds - please give them the ability to do that. On the ordinance for political signs, this is indicative of what you have done on the ordinances for boats. You have crossed out the part in the code that you can't have more than one sign. The careless wording in the ordinance will allow someone to put up 50 or more signs. It states you can't put a sign on an empty lot, well if I own that lot and pay taxes on it, I should be able to put a sign. Don't put the placement at 10'. No valid reason for this except if someone has no support and doesn't want their opponents to put up their signs. There are those with hedges that can't put signs. People won't know what is 10' and will have to take out tape measures. And what happened last year could happen where signs were removed. There is no safety issue. Don't say it's public land because everyone has to take care of their swale. It's always been 5'. On boats and RV's, this is overkill. If there are derelict boats, then fix it. Fix the part that addresses this. No proof that non-Village residents store boats here. Make sure boats are registered. To no longer allow those that have always had it is terrible. The way this is written is terrible. There are no clear definitions. No arbiter is defined. If someone owns and they buy a new one, it is not clearly written. When they sell they cannot keep the variance with the property. This is adverse property rights. You are going overboard. If you have a problem with derelict votes, then fix that problem. Don't put it on everybody else. On Category 3 trucks, there is a particular fire truck that you are not going to allow and he has done so much for the Village and others. We don't have all these problems that you can't fix without going overboard.

Gary Kuhl (as read by the Village Clerk): According to Zillow, average home values in Biscayne Park in 2006 shows Biscayne Park at \$462,000, Miami Shores at \$581,000 and Doral at the low end at \$381,000 and other cities in between. From 2006 to 2010, the average loss in value was 43% and during the same time, the loss for Biscayne Park was 51%. Biscayne Park value is 31% less than Miami Shores. Last statistic, Biscayne Park has highest millage in Miami Dade County, because our property values are so low. There may be several reasons, but one thing other communities have in common are codes that reflect the standards of Miami Dade County and they are enforced. Never the goal of Code Review to eliminate boats and RV's, but instead to craft revisions to approach the standard of the County and surrounding communities. Catering to a few is a disservice to many. Everyone pays the price for lax codes and lax code compliance. Park looks worse than ever. It will only keep getting worse if commission continues to erode the work of the Board and to allow even weaker standards than we currently have.

Hans Vanheubela: On boat code, you want us to register with the city and I already have it registered with the county. My boat is behind the property line. You should not have the right to go into my backyard.

Jerry Caraope: Spent months cleaning my boat and I may not be able to keep it behind front of my house. Would have to move piping for sprinklers. Comments from previous resident e-mail was distasteful. As long as I keep it clean, should not be a problem. Not how I want to live.

7 Village Manager

Manager Garcia: Thanks the Commission, past and present, the residents and staff. Informed the Commission on July 3rd that I accepted the position of City Manager for the City of North Miami Beach. Proud of decrease in crime statistics, excellent staff. When you come to Village Hall, we are responsive. We work to get things done. I hope this to be a stepping stone for future city managers. I wanted the challenge in North Miami Beach. Will continue on through budget process and in the selection of a new manager. Looks at August 20th to be my last day. Thanks everyone for the opportunity. Leaving you in good hands. Proud to have served the Village of Biscayne Park. Have provided you with a tentative timeline and proposal for the selection process of the next Village Manager.

Commissioner Ross: Thanks Manager Garcia for her service to Biscayne Park. Walked in to practically a diminished staff. You have made excellent staff selections. You awed us in the first 60 days and kept going. Regret you won't be here for the end of my term. A loss for us and appreciates the help to assist us with a new selection, and the proposed process. We should accept the proposal and have a special meeting on July 17th to discuss.

Commissioner Ross makes a motion to hold a special commission meeting on July 17th to continue the discussion. It is seconded by Commissioner Anderson.

Commissioner Watts: Thanks Ana for her service on behalf of Biscayne Park. A pleasure to work with. Wishes you good fortune in meeting the challenges of North Miami Beach. On the proposed process, consider a committee of residents to participate in the selection. On utilizing the Manager's Association, concerned they will only send us 3-5 to look at and would prefer to look at them all. Asks the Manager if August 20th is the official resignation day.

Manager Garcia: You can have an interim Manager during the time you go through the process and select a new manager.

Commissioner Watts: On your contract, it said 90 days. With the August 20th date, that is only 42 days. Perhaps we should discuss this with our attorney.

Attorney Boutsis: When separation is voluntary, contract states 90 days, but there is no penalty. To enforce you would have to go to court. It can be reduced with consent of the Commission.

Commissioner Cooper: Discussion of the process should be done at a regular commission meeting where it is video taped.

The motion is called to a vote.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper,
Commissioner Ross and Commissioner Watts
Opposed: None
Motion carries: 5/0

Commissioner Cooper makes a motion to video tape the special meeting on July 17th
at an approximate cost of \$300 to \$400. It is seconded by Mayor Jacobs.
All in favor: Mayor Jacobs, Commissioner Cooper and Commissioner Watts
Opposed: Vice Mayor Anderson and Commissioner Ross
Motion carries: 3/2

Commissioner Cooper: Since there is a breach in the contract, we can negotiate with
the Manager to adjust her payout of vacation to cover these costs.

Manager Garcia: It was never my intent to walk away with a payout like your last
Manager did.

Mayor Jacobs will take agenda items out of order.

10 Ordinances - SECOND READING

10.d Ordinance 2013-06

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK,
FLORIDA **AMENDING CHAPTER 7 OF THE VILLAGE'S LAND DEVELOPMENT CODE,**
ENTITLED "RECREATION AND OPEN SPACE", TO PROVIDE REGULATIONS FOR
COMMERCIAL AND RECREATIONAL VEHICLES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE

Attorney Boutsis read the title.

Mayor Jacobs opened the meeting for public comment on the ordinance.

Barbara Kuhl: This ordinance has been in the works for over a year. Code Review
Board has met twice a month, and we have had workshops and commission
meetings for everyone to voice their opinion. Concessions were made to boat
owners and to allow them to keep their boats or RV in the front if they could not fit it
behind the front wall of their house. And they can replace their boat. The
Commission was in agreement with these changes. Then at first reading, the Mayor
and Commissioners Cooper and Watts brought more changes like allowing you to live
in an RV on the property, or storing it on an un-approved surface. Maybe not
requiring registering every year. No one is sure after public comment what you are
going to say because you have been known to change ordinances very quickly. These
changes were all to benefit boat owners, and no consideration for property owners
who don't have an RV or boat. I listened to the last meeting and have a quote from
our Mayor, "the responsibility of this commission is to make sure we

(Barbara Kuhl continued): fully understand and appreciate the views of our constituents whether they be boat owners or not and examine various aspects of how this will impact the community". I couldn't agree more. It is the responsibility of every commission to understand the view of the constituents, including those that are on the Code Review Board and all those that came and said they did not want boats on the front yard. And at the May meeting the Mayor could not remember anyone that spoke against boats and RV's in the front and kept asking Mr. Sosa-Cruz over and over again who had complained. It was painfully clear that the Mayor and Commissioners Cooper and Watts did not understand the language of the ordinance. And I know for a fact that none of them ever went to a Code Review board meeting. The changes made to the Ordinance were never brought back to the Board so that they could provide a response, even though they worked on this for over a year. No wonder this board started off with 15 members and it is down to only four. You wasted their time and made your own uninformed decision. It was only two years ago that the Mayor screamed at the commission that a 15" concrete pole on his swale was going to lower his property value, and he was only a renter. Why not consider someone who buys a property, puts money into it, and then has to look out their window at a 26' boat or RV in their neighbor's front yard. Mayor Jacobs and Commissioner Cooper are ready to let boat owners do whatever they want. It's Commissioner Watts' vote that is keeping us from looking like a camp ground. You were elected to represent the entire Village, not a small interest group. Do the right thing and go back to the original code proposed by the Code Review Board at first reading, or just change our name to Biscayne Trailer Park.

Fred Jonas: One part of the county code says no municipality can make rules that are less restrictive. Know what the rules are and reference them before you make changes that are less restrictive. Couple of years ago, the Noah raged about utility poles would definitely decrease the property value of the home he rents. It would lower property values. Bryan says that boats and RV's will increase property values, and Steve Bernard has sent out an e-mail that he has seen no proof that they will lower property values. With so much said on property values, how do you know what you know, or are you just guessing and being capricious. On the boards, you have a pattern of ignoring them. These are groups of people chosen by you. They have spent an enormous amount of time going over the code and some are experts and professionals. You are being foolish when you ignore them and instead insert your own fantasies. Or just say you don't care and disband them.

William Pierce: Asks clarification that if he currently does not own a boat or an RV, that if he does not get on within 365 days, that he will not be able to get and park it in the front yard since he has no room on the side, and if he sells his house, the next owner cannot get one and park it in the front yard. I beg of you to change the 365 stipulation. I just got rid of my RV and hoping that in the next year or two will be able to get another one. Some people don't have money to store their boats on the water. I moved from Coral Gables because of all their regulations, and then Miami Shores because of their rules. I moved here 15 years ago because it was well maintained and allowed boats. There are many people who feel this way that were not able to come out. Don't take away our right to have a boat and to store it on our property that we own, a right that we had when we bought the property.

Dale Blanton: Provisions made to accommodate those people that want boats. There are 23 boats in the area and approximately 6 have no access to the side or back, and 17 have access. 3 already park in the back. 2 have boats parked on the driveway and vehicles park on the grass. There are 2 that have 2 boats. There are 2 that appear where the boats are not registered. There are many boats that can park in the back. What was originally proposed provided for these allowances. If we want things we plan for it. Consider public lots or in the water. About adding record of variance with Miami Dade County, we only proposed that a copy of the registration be provided for the Village and not with the County. There are about 3 boats in front that can be parked in the back and currently have code violations and have running fines. If you took the time to look at this, you will see there is a problem and something needs to be done.

Cian Debaldo: Owner of the fire truck. Two years ago obtained permission from Code Officer. As long as it has a valid tag it is OK. Has no problem putting it behind a fence behind front wall.

Dennis Murphy: If I wanted to get a food truck, won't be allowed to park it in the front. Many years ago, there were some 65 boats and all owned by cops. I like our diversity. Many contractors that live here that serve our Village. I have a trailer and a pick up truck. Let us be a part of Biscayne Park. Let us be a little diverse.

Ed Chisholm: Live next door to fire truck. Wants to see it stay there. Totally against this ordinance. Poorly written. There are other remedies to problem with boats. An abomination.

Chuck Ross: More concerned about false facts thrown around only to incite people. Emails with false information were sent. This is not how we should be treating each other. Don't need to be at each other's throats. Those that are behind this, tell them to cease and desist.

Linda Dillon: Had a 26' boat. Would not fit in the back. I got a variance at that time and paid for it. No longer have the boat. Someday I may want to sell my home and could not sell it to someone who had a boat or RV and I have a problem with that.

Dan Samaria: If I own a home, I should be able to have a boat as well as to keep it clean and maintained. We are creating too many rules here.

Kelvin Whitfield: Have lived here for 23 years. Retired professional engineer. I walk my dog every evening and so are many other people. Live next door to a boat owner. Down the street there is a recreational vehicle. If you sell a house, the first impression makes the deal. Thought this was a great neighborhood. A redneck neighborhood of hard working people. Came from England. This is the land of the free. This is a democracy and civilized. Stop arguing over petty things. Specifics can kill you. I live on 116th and 10th avenue. House on the corner spent \$100,000. That same house had white gate on the corner. Kids were outside selling lemonade - the American dream. When you last changed the code for corner lots, you forced that resident to remove their gates. Those kids are no longer behind the gates. Let's start talking to each other and stop telling people what to do. Let Code Enforcement officer enforce the code. I'm a realtor. I know what I'm talking about.

Vice Mayor Anderson makes a motion to approve Ordinance 2013-06 and it is seconded by Commissioner Ross.

Commissioner Cooper: Appreciates efforts to adjust and the direction of Commissioner Watts to make concessions. The overwhelming majority today is against this. To Dale Blanton - you don't know how many homes have septic fields on the side. A lot of this you don't understand. Appreciates Mr. Murphy's comments. This is class warfare. Boards are attempting to control lifestyles. Would like to go back as it already is. Let's just address the derelict boats and enforce the code. We have to be sensitive to what the Village was, of great inclusiveness. Would like to see us scrap this. And if not, to adjust the verbiage a bit more, especially to extend the 365 days for a new purchase. As is, hard for me to vote for it.

Vice Mayor Anderson: It was brought out that people on the board don't understand. Would like to point out that each individual commissioner put those members on the board. Showed pictures of examples of homes with boats that never move. A rental home with multiple cars and boats parked on the grass. Is this what you want? Another picture of a duplex with multiple cars, trailer and boat. Everyone focuses on single family homes, but need to look at the rental property. There is no provision in current code to be able to enforce. Control this from multiplying. Is this the vision for Biscayne Park? We no longer have what used to be. There is no longer pride. Referred to a property that is subletting to criminals coming out of jail. We need to have ordinances that are clear to people who live here and for those that have to enforce them.

Commissioner Cooper: Can we regulate rental properties differently than single family properties?

Attorney Boutsis: What is the rationale? Zoning code should regulate both the same.

Vice Mayor Anderson makes a motion to strike the last line, lines 29-30 on page 2, and to be consistent with using the term administrative variance throughout. It is seconded by Commissioner Ross.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Commissioner Watts makes a motion to enhance the vague language in line 27, "...for that boat or *any* subsequent replacement boat...". It is seconded by Vice Mayor Anderson.

Commissioner Watts confirms we have commensurate language in the ordinance for recreational vehicles.

Commissioner Cooper confirms it does not preclude to allow only one replacement.

The motion is called to a vote.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Commissioner Ross: We have been in discussion for a long time on this. It is unfortunate a lot of mis-information including an anonymous red flyer and an email from Commissioner Bernard. Verifies that the two speakers who spoke during public will not have a problem. One who has his boat already behind the front of the home has no problem, and the other who has a boat and does not have the space on the side will be able to get an administrative variance. On the fire truck, asks Mr. Sosa Cruz to provide an opinion.

Mr. Sosa Cruz: In relation to a category 3, if it is a commercial vehicle, it has to be properly marked.

Commissioner Ross: This commission has to make laws for all 3,000 residents. There has been a good airing. All comments have been heard and considered. There are 26-30 RVs and boats in front yards. We have to consider the other 1,200 and craft laws to protect the majority.

Mayor Jacobs: There are significant points I agree with. We have to make law that best understands the effect it has on all. It is not a clear cut issue on just boats. This is about code and keeping things proper. I'm all for that, and so is everyone else. So if you have a boat it is maintained properly and maintained properties. That issue is getting mixed up with can you have a boat. A few have decided that no matter what, a boat does not look good. I fear that that number is only 15 people. Some say it lowers property value and some say it increases. I've spoken to a Vice Mayor from another town that says it raises the value and that town does not allow boats stored in the front. I think you should have maintain your property, your home, your dog and your car. You maintain and your property values go up. I don't think having a boat, properly sized and maintained is a problem. Let's pay attention to the codes we have and enforce them, and not create codes that we don't need because 10 or 12 people that are very active in the community say they don't like boats whether they are well maintained or not. The head of the Code Board came to me and said the intent was to get rid of boats. May not admit it now, but he said it in the past. I now have commissioners and residents telling me that it is a matter of mis-information. Politics is an interesting game. What you don't like you consider mis-information, and what you like you consider true. You are trying to demonize those that you don't agree with. Say what you mean and stick to the facts.

Commissioner Ross: Mayor, I hope you were not referring to me because I never used the words "demon" or "liar" in my comments.

Mayor Jacobs asks for a straw vote if this will pass and if we have three votes before we continue with edits.

In favor: Vice Mayor Anderson, Commissioner Ross and Commissioner Watts.

Commissioner Ross: Motion that on page 4, line 1, add " ", as previously agreed; and on page 4, line 9, (c), strike language to not allow guest parking if already an RV exists. It is seconded by Vice Mayor Anderson.

All in favor: Vice Mayor Anderson and Commissioner Ross.

Opposed: Mayor Jacobs, Commissioner Cooper and Commissioner Watts

Motion fails: 2/3

Commissioner Ross: Motion that on page 3, line 17, add "... all watercraft *and trailer* ...". It is seconded by Vice Mayor Anderson.

All in favor: Vice Mayor Anderson, Commissioner Ross and Commissioner Watts

Opposed: Mayor Jacobs and Commissioner Cooper

Motion carries: 3/2

Commissioner Ross: Motion that on page 2, lines 22-25, to change 365 days to 120 days. It is seconded by Vice Mayor Anderson.

All in favor: Commissioner Ross

Opposed: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper and Commissioner Watts

Motion fails: 1/4

Commissioner Watts: After 365 days lapses, can you apply for a regular variance?

Attorney Boutsis: Would be difficult to meet the hardship.

Commissioner Cooper: Can a letter of intent be provided instead?

Attorney Boutsis: Too ambiguous. Would lead to a pattern of difference enforcement and legal challenges.

Commissioner Cooper: Motion to add at end of paragraph, line 30, after 365 day period, applicant may file for a variance pursuant to chapter 18 of land development code. It is seconded by Commissioner Watts.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Commissioner Ross makes a motion to extend the meeting to 11:30pm and it is seconded by Vice Mayor Anderson.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Commissioner Watts: Have heard that the whole issue is maintenance and we do not have enough maintenance specifics in our code.

Mr. Sosa Cruz: We already do have codes that address maintenance. This proposed code addresses the storage of boats.

Commissioner Watts: This is an issue that we must agree to disagree. Respect the work of the Code Review Board. Could not attend meetings on Wednesdays due to her schedule, but kept in communication with the Chair.

Commissioner Cooper: On the statistics thrown out, I have counted over 50. We have a minority opinion who have a certain lifestyle they want to maintain. On 7.5, this will affect the working class.

Commissioner Ross: Have restructured this section extensively and confirms with Mr. Sosa Cruz on specific cases.

Original motion to approve Ordinance 2013-06 at second reading is called to a vote.

All in favor: Vice Mayor Anderson, Commissioner Ross and Commissioner Watts

Opposed: Mayor Jacobs and Commissioner Cooper

Motion carries: 3/2

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING CHAPTER 6 OF THE VILLAGE'S LAND DEVELOPMENT CODE**, ENTITLED "PUBLIC FACILITIES AND SERVICES", TO PROVIDE REGULATIONS FOR DUMPSTERS AND TO ADD CERTAIN DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE

Attorney Boutsis read the title.

Mayor opened the meeting to public comment and there were none.

Commissioner Ross makes a motion to approve ordinance 2013-05 at second reading and it is seconded by Vice Mayor Anderson.

Commissioner Ross: Motion that on page 6 of 8, to move the definition of domestic trash and garden bulky waste out of water emergency section and up to section 6.1, Generally. It is seconded by Vice Mayor Anderson.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Original motion to approve Ordinance 2013-05 at second reading is called to a vote.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

- 10.a Ordinance 2013-02 - First Reading: Manager Garcia requests to move the first reading of this ordinance to the August meeting.

10.b **Ordinance 2013-04**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 12 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED SIGNS, **BY PROVIDING PERMISSIBLE PLACEMENT OF SIGNS**, TECHNICAL CHANGES, PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CONDIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Commissioner Ross makes a motion to defer the second reading of Ordinance 2013-04 to date certain August 6, 2013. It is seconded by Vice Mayor Anderson.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

7 Village Manager (Continued)

- 7.a Manager Garcia provided a power point presentation on the annexation of an area to the east of the Village.

Commissioner Ross makes a motion to extend the meeting to 11:45pm and it is seconded by Vice Mayor Anderson.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Ross and Commissioner Watts

Opposed: Commissioner Cooper

Motion carries: 4/1

Manager Garcia recommends a future workshop and a mailing to each resident.

Commissioner Cooper: Have we communicated with County Commissioner Heyman, and are they acceptable to our cherry picking of the area? Are you confident that the Miami Dade County commission will approve?

Manager Garcia: Yes we have confirmation from Commissioner Heyman. As an example, the city of Sweetwater selected a piece of an area. If we don't put in an application, we cannot proceed to the next step in the process.

Commissioner Cooper: Have we ascertained the crime stats of the area?

Manager Garcia: No we have not.

Mayor Jacobs: How did we come up with three additional officers for the annexation area?

Chief Atesiano: Did look at preliminary data and confirms that three full time officers and added reserves would be sufficient.

Vice Mayor Anderson: On cost analysis, does it include police vehicles?

Manager Garcia: Yes, it includes vehicle and operating supplies.

Commissioner Ross makes a motion to follow the Manager's recommendation and schedule a workshop and do a mailing to all residents, date to be determined. It is seconded by Vice Mayor Anderson.

Commissioner Watts: Confirms that the population threshold to require a vote of the proposed annexation area is 250.

The motion is called to a vote.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

9 Consent Agenda

Commissioner Ross pulls the minutes of April 2nd, 2013.

Vice Mayor Anderson pulls the minutes of May 7, 2013.

Item 9.c, Resolution 2013-25 is pulled and moved to the July 23rd meeting.

Left on the consent agenda:

9.a Approval of Minutes

- > May 16, 2013 Special Commission Meeting
- > June 12, 2013 Special Commission Meeting

9.b Acceptance of Board Minutes:

- > Biscayne Park Foundation - June 3, 2013
- > Code Compliance Board - June 11, 2013
- > Planning & Zoning Board - June 3, 2013
- > Planning & Zoning Board - June 17, 2013
- > Recreation Advisory Board - May 9, 2013
- > Recreation Advisory Board - June 6, 2013

9.d **Resolution 2013-26**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK
**AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE TURF AND LANDSCAPE
MAINTENANCE JOINT PARTICIPATION AGREEMENT** BETWEEN THE FLORIDA
DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF BISCAYNE PARK;
PROVIDING FOR AN EFFECTIVE DATE.

9.e **Resolution 2013-27**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK
**RESOLVING TO COLLABORATE WITH THE COUNTY ON EFFORTS TO IMPROVE
COLLECTIVE REGIONAL SUSTAINABILITY AND RESILIENCY** TO THE IMPACTS OF THE
MUNICIPALITIES OF MIAMI-DADE COUNTY CLIMATE CHANGE, AND FURTHER URGING
TO JOIN THE CLIMATE ACTION PLEDGE FOR COLLABORATIVE IMPLEMENTATION OF
THE REGIONAL CLIMATE ACTION PLAN; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Anderson makes a motion to approve the balance of the consent agenda
and it is seconded by Commissioner Ross.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper,
Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Commissioner Ross makes a motion to approve the minutes of April 2nd, 2013, with
the amendments provided, not including the change to the vote. It is seconded by
Vice Mayor Anderson.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper,
Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Vice Mayor Anderson makes a motion to approve the minutes of May 7th, 2013,
with the amendments provided. It is seconded by Commissioner Ross.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper,
Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

13 New Business

13.b Dan Samaria - Recreation Advisory Board fund raising event request.

This item will be moved to the July 17, 2013 Special Commission Meeting.

The balance of the items left on the agenda that were not heard are moved to the August 6th regular meeting.

15 Announcements

Clerk Camara read the announcements:

Wednesday, July 10th - Code Compliance Board at 7:00pm

Thursday, July 11th - Recreation Advisory Board at 7:00pm

Monday, July 15th - Planning & Zoning Board at 6:30pm

Monday, July 15th - Ecology Board at 6:30pm

Wednesday, July 17th - Parks & Parkway Advisory Board at 6:00pm

Wednesday, July 17th - Special Commission Meeting at 6:30pm

Tuesday, July 23rd - Special Commission Meeting at 6:30pm

Thursday, August 1st - Recreation Advisory Board at 7:00pm

Monday, August 5th - Planning & Zoning Board at 6:30pm

Monday, August 5th - Biscayne Park Foundation at 6:30pm


Our next regular Commission meeting is Tuesday, August 6, 2013 at 7:00pm.

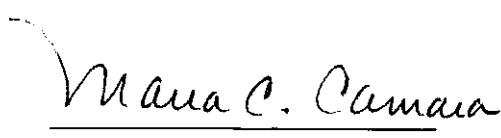
16 Adjournment

The meeting was adjourned at 11:48pm.

Commission approved on September 10, 2013.

Attest:


Noah Jacobs, Mayor


Maria Camara, Village Clerk